



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 15-1045, Version: 1

REPORT TO THE ZONING ADMINISTRATOR

File #: 2015-7883

Location: 596 W. McKinley Ave. (APN: 165-13-008)

Applicant / Owner: Smart Space / Steve and Kendra Farr

Proposed Project:

VARIANCE to allow a second story addition of 695 square-foot to an existing 1,104 square-foot single story, single-family residence with no garage.

Reason for Permit: A Variance is required from the required 20 feet setback.

Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Issues: Setbacks

Recommendation: Approve with conditions

PROJECT DESCRIPTION

The applicant proposes to add a second floor to an existing home. The resulting floor area would be 1,799 square feet and 43 percent Floor Area Ratio (FAR). A Design Review is required for construction of an addition to evaluate compliance with development standards and with the Single Family Home Design Techniques. A Variance is also required to allow a 15 feet rear yard setback, where 20 feet is required in the R-2 zoning district per Sunnyvale Municipal Code (SMC) Section 19.34.030. See Attachment 1 for a map of the vicinity and mailing area for notices, and Attachment 2 for the Project Data Table.

Previous Planning Projects related to Subject Application:	No
Neighborhood Preservation Complaints:	No
Deviations from Standard Zoning Requirements:	Yes, rear setback

Background

Architecture and Site Design: The existing neighborhood is comprised of one and two-story homes with a mix of architectural style. The existing home is located on the corner of West McKinley Avenue and Florence Street, with the entry facing West McKinley Avenue and driveway facing Florence Street. No modifications are proposed to the first floor plan except the addition of a stairwell to the proposed second story in place of an existing laundry and hall room. The proposed 695 square-foot second floor retains the same rear yard setback as the existing single-story home, with increased setbacks on the other sides. Rooms on the second floor include one bedroom and one bathroom. A

balcony has also been proposed on the left side of the property.

Similar to the existing single-story residence, a gable roof oriented towards West McKinley Avenue has been proposed over the second floor. The architectural style can be considered traditional. Exterior materials on the second floor primarily consist of shingles on the walls, and board and batten on the gable end, similar to the existing home. Project site plan and architectural plans are in Attachment 5.

Second Floor Area: The proposed project includes a second floor area of 695 square feet, which is approximately 63 percent of the 1,104 square foot first floor area. As previously noted, the proposed second floor front and side setbacks exceed the minimum required. The second floor is set back nearly 15 feet from the front façade of the home. In addition, the neighborhood is composed of a mix of single story and two-story homes. Staff finds that in this case a 63 percent is an acceptable second to first floor ratio as the character of the proposed house is consistent with the character of the neighborhood.

Privacy: The second story windows will be obscured or have a high sill, and the balcony will have solid walls. The side setbacks exceed the minimum requirement; the second floor balcony will be more than 11 feet away from the property line. Although the project abuts a one-story home along the rear side, only low-intensity spaces (stairwell, bathroom, and laundry room) face the affected neighboring property. The closest portion of the neighboring property consists of a non-habitable garage. Visual separation is provided through a 15-foot setback that retains the existing rear yard setback. Therefore, staff considers privacy impacts to be minimal.

Solar Access: The SMC Section 19.56.020 states that no permit may be issued for any construction which would interfere with solar access by shading more than 10 percent of the roof of any structure on a nearby property. The project plans demonstrate shading would not exceed the maximum level permitted. (Attachment 5)

Applicable Design Guidelines and Policy Documents

The proposed addition to the existing home is consistent with the adopted Single-Family Design Techniques since the proposed design maintains the existing form and positively adds to the streetscape of the neighborhood. The staff has included findings for the Single-Family Home Design Techniques in Attachment 3.

Development Standards

The proposed project complies with the applicable Development Standards as set forth in the SMC such as the lot coverage, parking and height. The house is a legal nonconforming single-family dwelling with two uncovered parking spaces and no covered parking spaces. Pursuant to Sunnyvale Municipal Code Section (SMC) 19.46.050 <http://qcode.us/codes/sunnyvale/view.php?cite=_19.46.050&confidence=5>, any legal nonconforming single-family dwelling with less than two covered parking spaces requires an upgrade when an addition to the dwelling results in four or more

bedrooms, or a gross floor area of 1800 square feet or more, excluding garages and carports. The subject property has three bedrooms, and the gross floor area is 1,799 square feet. Therefore, the site meets the parking requirements as an existing legal non-conforming site. The proposed building height is less than the maximum 30 feet height that is allowed in the zoning district. However, a Variance is required for allowing a 15 feet rear yard setback, where 20 feet is required in the R-2 zoning district per SMC Section 19.34.030.

The overall height of the home will be 27 feet as measured from the top of the adjoining curb. The first floor of the home sits on a stepped up entry. The applicant is not proposing an increase in the 9 feet 10 inches plate height of the existing first floor. The plate height of the proposed second floor is kept at 8 feet. The roof pitch on the second story is 5/12 that matches that on the existing first floor. The 27 foot total height is comparable to recent two story Design Review permits approved by the Planning Commission which range in height from 23 to 27 feet.

Variance Justification

The property is legal nonconforming in that the existing single-story home currently encroaches 5 feet into the required rear and front yard setback. The proposed second floor addition retains the same 15 foot rear yard setback as the existing single-story home where a minimum of 20 feet on the second story is required. The project site is nearly half of the required 8000 square feet lot size and the lot width is 26 feet narrower than the minimum required 82 feet lot width in the R-2 zoning district. Corner lots in the neighborhood have an average lot size of 6,425 square feet, with a lot width of 57 feet and lot depth of 107 feet. These lots are all within three-block from the subject property. No additions have been proposed to the first floor plan except the addition of a stairwell to the proposed second story in place of an existing laundry and hall. The location of the proposed stairwell minimizes the need for any significant modifications to the existing first floor building footprint

FINDINGS

In order to approve the Variance the following findings must be made:

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district. Staff was able to make the finding.

The project site is substandard with respect to the minimum lot standards in the R-2 zoning district and is smaller than the neighborhood corner lot average. The project site is approximately half the size of the minimum required lot size in the R-2 zoning district, and 2,207 square feet less than the average neighborhood lot size. The lot width is 26 feet narrower than the minimum required lot width of 82 feet, and lot depth is 31 feet less than the average neighborhood corner lot depth of 107 feet.

The existing one-story home is oriented with the front entry facing West McKinley Avenue, and the only modification proposed to the existing first floor plan is to add a stairwell to the proposed second story in place of an existing hall and laundry room. The proposed stairwell is in a reasonable location that does not require any significant modifications to the existing first floor living area. The project

does not propose to add to the first floor footprint and does not propose a significant modification of the existing first floor plan. The proposed second floor rear yard setback would retain the same setback as the existing home. The strict application of the required 20-foot rear yard setback would require the stairwell to be added onto the existing first floor footprint, and would require significant redesign of the interior given the current layout.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. Staff was able to make the finding.

The Variance will not be materially detrimental to the public welfare or injurious to the property, improvements, or uses within the immediate vicinity and same zoning district as the project's design is consistent with the City's Single-Family Home Design Techniques and all other applicable development standards.

Privacy impacts have been mitigated through high sill or obscured windows and solid balcony walls. The proposed second floor addition retains the same rear yard setback as the existing one-story home. The project site's rear property line interfaces with a side property line of a key lot, which visually functions as a side yard, and the proposed rear yard setback is double the size of the minimum required second floor side yard setback. Moreover, the closest portion of the neighboring key lot's home is a non-habitable garage.

3. Upon granting of the Variance the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. Staff was able to make the finding.

The intent of the rear yard setback is to provide privacy and sufficient visual separation between properties. Privacy impacts have been mitigated through high sill or obscured windows and solid balcony walls. Only low-intensity spaces (stairwell, bathroom, and laundry room) face the affected neighboring property, and the closest portion of the neighboring property consists on a non-habitable garage. Visual separation is provided through a 15-foot setback that retains the existing rear yard setback.

Since the project site is substandard and smaller than the neighborhood corner lot average, granting the Variance will not constitute a special privilege not enjoyed by other property owners within the R-2 zoning district. The project site is approximately half the size of the minimum required lot size in the R-2 zoning district, and 2,207 square feet less than the average neighborhood lot size. The lot width is 26 feet narrower than the minimum required lot width of 82 feet, and lot depth is 31 feet less than the average neighborhood corner lot depth of 107 feet.

Recently two-story projects on reverse corner lots (that interface with neighboring key lots) in the neighborhood have met the required 20-foot rear yard setback. However, these have been instances where the existing homes were completely demolished and new homes were constructed. The

proposed project is a situation where a second story is proposed above an existing one-story home, without any significant changes to the existing first floor plan.

Public Contact: 55 notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. No letters were received.

Environmental Determination: A Categorical Exemption Class 1 (minor changes in use) relieves this project from CEQA provisions.

ALTERNATIVES

1. Approve the Variance and Design Review with the conditions in Attachment 4.
2. Approve the Variance and Design Review with modifications.
3. Deny the Variance and Design review, and provide direction to staff and applicant where changes should be made.

RECOMMENDATION

Recommend Alternative 1 in accordance with the Findings in the Attachment 3 and Conditions of Approval in Attachment 4.

Prepared by: Aastha Vashist, Assistant Planner

Approved by: Gerri Caruso, Principal Planner

ATTACHMENTS

1. Noticing Map
2. Project Data Table
3. Recommended Findings for Design Review
4. Recommended Conditions of Approval
5. Site and Architectural Plans